

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 74763

Eric C. Kuhrmann
Gail S. Hickey

6911 Broening Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on April 21, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-4-201 (b)(d), failure to store garbage in containers with tight fitting lids on residential property zoned DR 10.5 known as 6911 Broening Road, 21222.

On April 1, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Adam Whitlock issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,000.00 (one thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on January 12, 2010 for storage of garbage in cans with tight lids. Inspector Whitlock issued a verbal warning to an occupant on March 23, 2010. This Citation was issued on April 1, 2010.

B. Notes in the file by Inspector Whitlock state that inspections on March 23, 2010, March 30, 2010 and April 1, 2010 found garbage not properly stored. Photographs show cans overflowing with bagged garbage, and bagged garbage on the ground. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. All garbage must be properly stored in cans with tight lids. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310. Re-inspection on April 20, 2010 found no improvement, with open cans filled with garbage and trash.

C. Because compliance is the goal of code enforcement, the civil penalty will be reduced if the violations are corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$100.00 (one hundred dollars) if the violations are corrected by May 5, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 26th day of April 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer